



**Connecticut
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Project
Advisory
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TESTIMONY IN SUPPORT OF RAISED BILL NO. 1143

AN ACT CONCERNING TRAFFIC STOP INFORMATION

By Hon. William Dyson and Dr. John DeCarlo
Connecticut Racial Profiling Project Advisory Board Co-Chairs

Good morning Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee.

As co-chairs of the Racial Profiling Prohibition advisory board, we are here to testify on behalf of the advisory board in support of Senate Bill 1143, *AN ACT CONCERNING TRAFFIC STOP INFORMATION*.

In 2012, the Connecticut General Assembly enhanced the Alvin W. Penn Act to address racial profiling concerns in Connecticut. Specifically, the legislature modified the reporting requirements of traffic stop information, while simultaneously establishing the Racial Profiling Prohibition Advisory Board. The advisory board works in consultation with the Office of Policy and Management and the Institute for Municipal and Regional Policy to design a system to implement Public Act 12-74.

Over the past eleven months, through a grant made available by the Connecticut Department of Transportation and the National Highway Safety Administration, the advisory board has worked to establish standardized methods for the collection and analysis of traffic stop information. Additionally, the grant supports the advisory board's efforts to train law enforcement personnel and engage the public as the project evolves.

Senate Bill 1143 is a product of the advisory board for recommended changes in the legislation to allow for the best possible collection and analysis of information.

The new standardized method for collection and analysis of traffic stop data is envisioned to more efficiently and effectively inform government officials, the public at large and police agencies of the information that is available through the data collection process. Among other things, this method will serve as an early warning system for police chiefs to better understand and respond to traffic stop trends within their departments. The collection and analysis of traffic stop information in real time should allow them to respond more effectively to the communities they serve, enabling them to use the

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information as a powerful tool to enhance relationships between police agencies and their communities.

The advisory board came to consensus on the ten recommendations listed below; many of these recommendations are reflected in the provisions of S.B. 1143. This is significant because the advisory board consists of 26 members including the Departments of Public Safety, Transportation, and Motor Vehicle, the African American, Latino and Puerto Rican, and Asian Pacific Affairs Commissions, Chief State's Attorney, Office of the Public Defender, Connecticut Police Chiefs Association, Commission on Human Rights and Opportunities, American Civil Liberties Union, National Association for the Advancement of Colored People, Central Connecticut State University, the University of New Haven, and other law enforcement. The recommended changes in the legislation will give the Office of Policy and Management the tools necessary for overall management of the law. All of these recommendations are explained in greater detail in our 2013 Progress Report to the General Assembly.

1. **Expand who is required to report:** Expand the current requirement for state and municipal police to collect racial profiling data to include other entities with police powers who make traffic stops while enforcing motor vehicle laws (Department of Motor Vehicle inspectors, State Capitol Police, college and university police departments, others)
2. **Written Policies:** Expand the requirement for a written policy prohibiting racial profiling to include the new agencies recommended for inclusion under the law.
3. **Clarify 'where' a stop occurs:** Clarify the law with respect to recording the location of a stop to mean the actual geographic location where the stop is made.
4. **Allow unique ID:** Modify the requirement that the name and badge number of the officer making the stop be recorded to allow police to use either the badge number or any other unique identifying number for the employee.
5. **Require additional information on stops:** Modify the section of the law that specifies the types of information police must record for traffic stops to include, (1) additional information relating to searches specifying the authority for and results of the search, and (2) providing the statutory citations for any charge resulting from the traffic stop.

6. **Exemption for reporting data:** Provide an exception to the data collection and reporting requirements for traffic stops made by police in instances where the officer making the stop is required to leave the scene due to exigent or other circumstances.
7. **Require monthly reporting:** To eliminate inconsistencies in reporting, clarify the law to establish monthly.
8. **Require individual stop data:** The submission of traffic stop data should include data for each individual stop rather than a summary of stops information.
9. **Encourage electronic reporting:** Specify that to the maximum practicable extent, submissions should be made in the form of an electronic document acceptable to OPM and that all agencies be capable of submitting data electronically by the end of 2014.
10. **Change deadline for first report:** Change the deadline for OPM to submit its first report to the governor and General Assembly analyzing traffic stop and complaint data from January 1, 2014 to July 1, 2014 to allow sufficient data to accumulate under the new requirements. The project team also recommends submitting another progress report to the Judiciary Committee of the General Assembly on January 1, 2014.

Although it has not been reflected in S.B. 1143, the advisory board has addressed the issue of possible profiling based on religious affiliation. This has been a difficult issue to address and the approach is a two pronged effort- (1) we will be adding a new Middle Eastern/East Indian category for race/ethnicity; and (2) training to enhance sensitivity of police officers regarding this issue.

Another important area worth noting is the need to be efficient and not overly burdensome to the police collecting data, and to make data easy to deal with when it has been submitted. Police agencies in Connecticut are at various levels of sophistication and technology with respect to the ways in which they collect and report the data. The advisory board's overall goal is that all police agencies be recording and submitting their required data electronically by the end of 2014. We are in full support of the electronic citation system that is currently used in a small number of police agencies. We also support the migration to a uniform charging process in Connecticut.

Electronic Citation (E-Citation): is an initiative that, when fully implemented, will result in the capability for all police agencies to record and submit all of the traffic citations they issue in a fully electronic form. This initiative promises both to save police significant time in processing traffic stops at the roadside, and to expedite submission of these actions for adjudication. The state police are significantly ahead in the use of E-Citation and have reported significant increases in efficiency as a result. Some local police agencies are participating in a pilot program of the E-Citation concept at this time as well.

E-Citation requires the police vehicle to be equipped with a printer and associated mounting hardware at a cost of approximately \$800-\$1000 per vehicle. E-Citation proponents estimate that equipping all police vehicles with E-Citation would cost approximately \$3.2 million. The rate at which E-Citation propagates through the law enforcement community will depend on provision of that funding. The faster E-Citation can be implemented, the sooner more police agencies can meet the requirements of PA12-74 in the most efficient manner.

Uniform Charging Process: involves the development of a uniform charging process, which, if used by all law enforcement entities, would provide an avenue to accomplish several specific goals of PA 12-74. Law enforcement has voiced support for standardizing and streamlining charging processes to accomplish similar tasks – specifically citations, misdemeanor summons, and written warnings. While the advisory board is not the only entity tasked with collecting and analyzing traffic stop data in the interest of developing and instituting a uniform charging process, the motivation to do so is unique to this group. We have met with the members of the Judicial Branch and Department of Motor Vehicle to begin discussing this possibility.

Lastly, the advisory board has been working to implement the provisions in Public Act 12-74 that improve the complaint process for citizens that feel they have been racially profiled. Focus has been given to the development of a best practice policy for how departments should handle profiling complaints. The advisory board is also developing a standardized method for reporting and investigating complaints of profiling to be used by all police agencies in Connecticut. A process for filing complaints will also include a review of each complaint and the department's handling of the complaint by the Chief State's Attorney. Citizens will have ready access to information regarding the complaint process on the OPM website.

A focus on the collection and analysis of data was necessary to bring these recommendations to light for the 2013 CGA legislative session. However, the project team and advisory board understand the important nature of public awareness, education and training to be developed in the coming months. Public outreach has been a useful and necessary component to the project development to date. Training for police agencies will focus on: (1) implementation of the changes in the Alvin W. Penn Act, (2) unconscious bias, and (3) proper citizen and police interactions. All of these

efforts combined are designed to most effectively prevent the occurrence of racial profiling in traffic stops and enhance trust between communities and law enforcement.

Through the use of national experts, the maximization of newly developed technological capabilities, and the collaboration with relevant statewide initiatives, the project team and advisory board are developing a model that will not only be beneficial for Connecticut, but has the potential to set the standard for racial profiling prohibition initiatives nationally.

We believe the changes being recommended in S.B. 1143 will create the statutory framework within which Connecticut will have a fully functional traffic stop law capable of serving all parties interested in the effective collection and meaningful analysis of traffic stop information. We are prepared to answer any questions you may have.

